

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
FEBRUARY 26, 2014
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Scherer, Schroeder, Fischer, Potts, Kilberg, Halva, Carr, Platteter, Forrest, Grabiell, Staunton

III. APPROVAL OF MEETING AGENDA

Commissioner Grabiell moved approval of the meeting agenda. Commissioner Scherer seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Platteter moved approval of the February 12, 2014, meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

Chair Staunton said at this time he would like to introduce Karen Kurt, Assistant City Manager who would like to speak with the Commission about her Master's program and small area plans.

Ms. Kurt explained that she is working on her Master's program in urban studies and as part of her program she is undertaking a small area plan. She said the area of her focus is the Valley View/Wooddale area. Kurt said she would like input from the Commission during the small area plan process and would be sending the Commissioners a survey to help her in her process and also provide the City with a small area plan template for future use.

Kurt thanked the Commission for their time.

V. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Potts moved to close community comment. Commissioner Grabiell seconded the motion. All voted aye; public comment closed.

VI. PUBLIC HEARINGS

A. Lot Division and Variance. Chris and Anne Hill, 5617 Wooddale Avenue, Edina, MN

Planner Presentation

Planner Aaker informed the Commission Chris and Anne Hill are hoping to add onto the front and north side of their home to include a two car garage addition with living space above. The request is for a lot line shift to the north and a front yard setback variance. The owners are requesting to shift a 5 foot portion of the existing north lot line that divides the two properties at 5617 and 5613 Wooddale Ave. The purpose of the lot line shift is to provide adequate side yard area to build a two stall garage in front of the existing single stall garage with a masterbedroom above. The lot line shift will allow a two car garage width with living space above without also requiring a side yard setback variance. A front yard setback variance is needed from ordinance requirements to over-lap into the front yard. The proposed plan matches the front yard setback of the home to the north at 5613 Wooddale, but will be closer to the street than the neighbor to the south. The existing single stall garage with living space above will be remodeled and attached to the new addition as part of the project.

Aaker explained that the zoning ordinance requires a minimum 5 foot side yard setback plus 4 inches of setback for each 1 foot the lot width exceeds 60 feet and 6 inches of setback for each 1 foot average height exceeds 15 feet. The addition as proposed requires a minimum side yard setback of 7.4 feet, given the increased lot width and height. The lot line shift will allow the side yard setback to be met.

Planner Aaker concluded that staff recommends denial of the requested Lot Division and Variance based on the following findings:

I. The proposal does not meet the required standards for a variance, because:

- a) Staff is unable to identify a practical difficulty specific to this property given similar situations on nearby properties.
- b) The encroachment into the front yard setback is 319 square feet of footprint with living space above and includes a front entry porch, all beyond the existing front face of the home and within the required average front yard setback.
- c) The lot division is a circumstance created by the owner to adhere to side yard setback standard and not require additional variance. Staff does not find the request reasonable given the unconventional lot line created to achieve side yard setback. Even with the lot division, a front yard setback variance is still required to achieve the plan.
- d) Staff does not believe the addition is in harmony with the essential character of the neighborhood given existing street views.

Appearing for the Applicant

Chris and Ann Hill

Discussion

Commissioner Grabel asked Planner Aaker her reasons for recommending denial.

Planner Aaker noted that recently the City Council approved amendments to the zoning ordinance to tighten the impact of new build and renovated houses. Aaker said in her opinion the request for a variance doesn't stand alone because it requires a lot boundary shift adding five feet onto the subject property to achieve their goals without the need for a side yard setback variance. Aaker further noted that the lot line shift only addresses the "letter of the law" by allowing the addition to comply with the side yard setback; also the design as proposed cannot avoid a front yard setback variance because of the deep setbacks of adjoining homes. Aaker reminded the Commission both lots would be nonconforming in lot width per zoning ordinance standards.

Commissioner Forrest said she observed and wondered why the lots in this specific area aren't uniform, pointing out some are much larger. Planner Aaker agreed that on this block there is a difference, adding she has no explanation why the lots were platted that way.

Commissioner Scherer asked for clarification on the non-conformity of the lot; questioning if this non-conformity is from the required 75-foot lot width. Planner Aaker responded that in reality the subject lot is non-conforming from both the zoning ordinance and subdivision ordinance. The zoning ordinance requires a lot width of 75-feet, lot depth of 120, feet, and lot area of 9,000 square feet. The lot width as proposed for the subject lot is 65-feet; which is non-conforming all other aspects of the lot complies with the zoning ordinance. Continuing, Aaker explained if this request would have created an additional lot the subdivision ordinance rules would apply which state that all lots that fall within 500-feet of the perimeter of the subject lot must meet the median lot width, depth and area. In this instance the subject lot falls short of the median lot area and width.

Applicant Presentation

Jeff Nicholson, architect addressed the Commission and explained that in his opinion the need for a variance was not self-created. Nicholson pointed out the subject site sits next to two very unique lots on Wooddale with the houses on those lots setback farther from the street than normal. Nicholson further explained that the adjoining property has excess space to give which again; in his opinion is very unique in the neighborhood. Concluding, Nicholson said that this block is atypical to the neighborhood and that he respectfully disagrees with staff.

Mrs. Hill informed the Commission their house was one of two model homes for the neighborhood. Hill said she loves her neighborhood and wants to stay; however, the undersized garage makes it difficult and extra living space is needed for their family.

Mr. Hill told the Commission that weekly they receive offers to buy their house. Hill said he doesn't want to move and loves his house and neighborhood and doesn't want to see his house demolished if sold. He added the rear yards of the homes on this block are beautiful, unique and deep and everyone enjoys their rear yards. Concluding, Hill also noted that the neighborhood supports their request and their immediate neighbor is willing to sell a portion of their property enabling them to achieve their goal and stay in the neighborhood.

Chair Staunton opened the public hearing.

Public Testimony

Doug Kittenberg, 5613 Wooddale told the Commission they were happy to sell a piece of their property to the Hills. Kittenberg said he supports the plans as presented and believes the proposed changes to the home will enhance the entire neighborhood. Concluding, Kittenberg said the proposal as submitted has no negative impact on them, reiterating his support.

Chair Staunton asked if anyone else would like to speak to the issue; being none Commissioner Fischer moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion to close public hearing carried.

Commissioner Grabel stated that he has no problem with the proposed lot division or variance. Grabel said in his opinion a number of the lots on this block are out of character with the neighborhood. Grabel said if one looks at an aerial they can certainly see how the lots are laid out. Continuing, Grabel said if the Commission was to approve the lot division with variance it may avoid a teardown situation. Grabel said allowing the construction of a 2-stall garage (required by ordinance) to be built, in his opinion wouldn't compromise the neighborhood character and the neighbors have indicated their support for the project.

Commissioner Scherer commented that the Commission knows her opinion on the importance of two stall garages, adding she thinks the proposal as presented is very creative and allows the applicant to achieve a two stall garage with increased storage. Scherer concluded that she supports the request as submitted.

Commissioner Forrest said her concern was with practical difficulties pointing out the subject owners are choosing to do this. Continuing, Forrest said the recent changes to the ordinance were done to ensure adequate spacing between homes. Forrest added that livability is important and the increase in garage space is important; however, changing a lot line to accomplish this has its own issues. Forrest concluded that she agrees that the front yard setback situation is difficult with the adjoining houses forcing deep setback requirements.

Commissioner Platteter questioned the lot split, adding he understands the front yard setback situation.

Commissioner Fischer said this is an unusual situation, acknowledging the recent change in the Code. Fischer said in this instance neighbors got together to resolve an issue. Although the lot division may not be standard; it works and is supported by both property owners. Fischer further noted that the front yard setback situation is what it is; the lots to the south create a situation whereby nothing could be done to this house without a front yard setback variance.

Commissioner Forrest wondered if the Commission was comfortable allowing for the creation of two unusual lot line configurations. Commissioners agreed that the jog is different; however, as previously mentioned by the applicant the rear yard situation on this block is unique with deep lots and ample rear yard area.

A discussion ensued with Commissioners agreeing that this situation was unique and that they can support the request as submitted by the applicant.

Motion

Commissioner Grabel moved variance and lot division approval based on the following:

1. The lot division creates lots that are consistent with the size of lots in the neighborhood;
2. The unusual placement of homes to the south created the need for a front yard setback variance. The variance was not self-imposed; and
3. The City of Edina requires two stall garages;

Commissioner Scherer seconded the motion. All voted aye; motion carried.

B. Preliminary Rezoning. Pentagon Revival. Pentagon Office Park, Edina, MN

Planner Presentation

Planner Teague informed the Commission the Pentagon Revival is proposing to redevelop Pentagon Park along 77th Street. The total site area is 43 acres in size; and would likely redevelop over the next 2-15 years. Teague explained the proposed uses of the site include office, medical, retail, restaurants, a hotel and potentially housing. No housing is anticipated at this time, however, that use is currently allowed on the property, and should remain as a potential future land use.

Teague delivered a power point presentation highlight the project.

Planner Teague concluded his presentation that staff recommends the City Council approve the Preliminary Rezoning from MDD-6, Mixed Development to PUD, Planned Unit Development District and an Overall Development Plan for the subject property based on the following findings:.

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The proposal would meet the purpose and intent of the PUD. The site is guided in the Comprehensive Plan as “Office Residential,” which is seen as a transitional area between higher intensity districts and residential districts. Primary uses include: offices, housing, limited service uses, limited industrial, parks and open space. Vertical mixed uses are encouraged.
3. The proposal would create a more efficient and creative use of the property. Better vehicle and pedestrian connections would be created; enhanced green space and ponding would be created; a mixture of land use is envisioned; there would be improved architecture and sustainability; shared parking would be created, including with the public use to the north.
4. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Design public open and green linkages that bring both amenity and positive image to neighborhoods, corridors, and business precincts.
 - b. Design public streets to serve not only vehicles but also pedestrians, people with mobility aids, and bicycles, balancing the spatial needs of existing and future users within the right-of-way. Address both mobility and recreational needs and opportunities.
 - c. Create walkable streets that foster an active public life; streets that are energized by their proximity to a vibrant mix of activity-generating uses.
 - d. Preserve and make accessible natural areas and features as part of a comprehensive open space network.

- e. Within larger redevelopment sites, promote a fine-grained and interconnected network of local streets and paths, encouraging pedestrian circulation and providing a choice of access points.
- f. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
- g. Podium Height. Where it is appropriate, the applicant has committed to the podium height concept, defined in the Edina Comprehensive Plan as follows: The “podium” is that part of the building that abuts the street, or that provides the required transition to residential neighborhoods, parks, and other sensitive uses. The podium height concept is intended to create a consistent street wall envelope and a comfortable pedestrian environment.

Approval is also subject to the following Conditions:

- 1. Final Development Plans must be generally consistent with the Preliminary/ Overall Development Plans dated January 22, 2014.
- 2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
- 3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
- 4. Submittal of a sign plan with Final Development Plan application for each phase of the overall development. Each signage plan submittal should include monument sign locations and size, way finding signage, and wall signage. Signage shall be consistent throughout the PUD.
- 5. The 77th Street Improvements must be completed by the applicant/land owner when 100,000 square feet of development has been constructed. The 77th Street improvements must be consistent with the plans date stamped January 22, 2014, and are subject to review and approval of city staff before construction.
- 6. The Parkway and Green Streets, as shown on the Preliminary/Overall Development Plan, date stamped January 22, 2014, must be built by the applicant/land owner upon 80-85% build-out of the overall development.
- 7. Final Develop Plans must create a recreational system that promotes walking, health and wellness.
- 8. Connections shall be made from the property south of 77th Street to the property north of 77th Street through or adjacent to the “Walsh Title” site and Fred Richards’s golf course.
- 9. Pedestrian connections must also be made between buildings, along 77th Street, to Burgundy Place, to the anticipated Regional Trail, and to the new Green Streets, the installation of which are conditioned on factors, including without limitation, the future use of Fred Richards.
- 10. All crosswalks shall be marked with duraprint stamping to clearly identify the pedestrian crossing.

11. Where applicable and required pursuant to the Final Development Plan, all public utility, public roadway and public sidewalk easements shall be granted or dedicated to the City upon Final Development Plan approval for each phase.
12. Bike storage and bike shower facilities shall be provided within the development. Bike racks will be provided throughout the development.
13. A majority of the storm water retention will be developed as an amenity and integrated into the overall development.
14. Overall, the development must include at least a 20% of green space/storm water retention in the aggregate.
15. Any Park Dedication fees due under Section 32 of the City code shall be collected at the time of the issuance of a building permit for any portion of the property that is re-platted.
16. New buildings shall utilize the podium height concept, as defined in the Edina Comprehensive Plan, if and where appropriate.
17. Attempts shall be made to meet an energy savings goal of 15% over state energy code guidelines. Building designs shall be similar to and reasonably consistent with LEED standards.
18. All buildings must be constructed of high quality materials and architecture. Building materials shall be of, but not limited to high quality brick, stone, precast concrete, and glass building. No building shall contain aluminum or metal siding as the primary finish material.
19. All parking structures shall be designed to be integrated into and complement the architecture of newly constructed buildings. Shared parking strategies will be employed, where applicable.
20. Public art shall be incorporated into the development.
21. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site. Final PUD Zoning must meet the criteria required for a PUD.
22. Compliance with the issues/conditions outlined in the director of engineering's memo dated January 22, 2014.

Appearing for the Applicant

Scott Takenoff, manager Hillcrest Partners, Tom Whitlock, Damon Farber and Bob Close of Bob Close Studio

Discussion

Commissioner Platteter noted the references to green streets and pointed out the City now uses the term Living Streets. Continuing, Platteter said he observed in the preliminary plans there was no mention of housing and questioned if preliminary plans were approved would that negate housing in the future. Planner Teague responded the request is for commercial with the applicant expressing the intent to add housing if appropriate; however, if the Commission is uncomfortable with any aspect of the application; such as no housing the Commission can recommend denial of requested preliminary rezoning and development plan. Platteter also commented that the plans presented aren't very detailed. Planner Teague and Commissioners agreed with that statement.

Commissioner Grabiell said in his opinion approval of this phase of the development would allow the applicant to begin the process but with flexibility to detail. He noted the applicant has indicated the build-out of this project would take years and if the Commission approves preliminary with conditions it

allows flexibility during the phasing process. Grabel pointed out much is market driven, reiterating the Commission should provide some flexibility.

Applicant Presentation

Scott Takenoff said in the request for preliminary rezoning from MDD-6 to PUD and development plan approval he believes this proposal would be the largest redevelopment project since Centennial Lakes. Takenoff said this unique 42 acre property and its redevelopment doesn't happen often. Takenoff acknowledged the Commissions desire for housing; however, added that at this time he can't promise housing would be built.

Takenoff pointed out the redevelopment of this area will occur in phases over a number of years and with each new phase of the redevelopment Hillcrest would come before both the Commission and Council with sketch plans before final phase approvals. Takenoff also acknowledged that this project is a complex project that requires certainty before proceeding. Continuing, Takenoff stressed that Hillcrest is very good at figuring out what to do with decaying properties. Takenoff further stressed that their redevelopment has no bearing on the City's decision on what happens with Fred Richards. Takenoff said Hillcrest does not control the destiny of Fred Richards and regardless of what the City determines appropriate for Fred Richards Hillcrest will proceed with redevelopment plans.

Takenoff continued his presentation and concluded that Hillcrest Partners needs to appear before the City Council at their March 18th meeting for preliminary approval before they can begin the process. Takenoff said this date is critical because of tenant considerations. Takenoff reiterated their need for certainty. Takenoff introduced Tom Whitlock and Bob Close to further explain the project.

Tom Whitlock and Bob Close presented a slide show highlighting the multi-phase Pentagon Revival PUD project:

- AUAR updated September 2013.
- TIF approved February 2014
- Be a better neighbor
- Increase in greenspace
- Storm water management to be an amenity
- Storm water retention and treatment to current standards
- Flexible framework
- Living streets
- Connectivity. Provide key connections
- Promote Multimodality
- Commitment to high quality architecture
- Design consistent with LEED standards
- Sustainability
- Economically viable. The proposal will improve property values
- Podium height – this redevelopment will honor the work done by the City establishing podium heights

Takenoff, Whitlock and Close thanked the Commission for their time.

Discussion

Chair Staunton asked Mr. Takenoff the reason behind his “hurried” need for “certainty”; and “certainty” about what. Takenoff said certainty provides Hillcrest with time and money getting to the second step of the process. He explained in order to attract users and get them to commit to the site the site needs to be shovel ready. Takenoff explained that many users don’t have the time for overly long approval processes. He said they want to see a site readied for the next phase. Continuing, Takenoff said what Hillcrest needs from the Commission at this time are the allowed uses, building height and density. Product design would come after the site has been approved for use, height and density in the aggregate. Takenoff reiterated this is a unique one owner site; unlike Grandview. Concluding, Takenoff said at this point Hillcrest is at a critical juncture to either move forward with the vision or pivot back. Takenoff explained Hillcrest has leases that need to be honored and there are time constraints. Takenoff did note that the other road is renovation which continues to be acceptable and has worked thus far.

Chair Staunton commented that it occurs to him that the Commission is being asked to approve the “container” indicating how high, how dense and the extent of the use. Staunton said it is difficult to get ones head around the staging and phasing of this project in final terms when the details the Commission usually sees aren’t provided. Mr. Takenoff agreed that the final stages will be done a piece at a time, adding some can be tied together but for the most part it will be parcel by parcel.

Commissioner Carr stated she understands the “vision” piece of this project; however, wondered if the PUD could remain open ended with regard to use. She noted the schematic development plan options show no housing. Teague agreed.

Chair Staunton opened the public hearing.

Public Testimony

Lori Severson, Chamber of Commerce informed the Commission the Chamber has issued a Resolution of support for the proposed project. Ms. Severson said drafting a Resolution of support wasn’t done lightly, adding the Chamber put much thought into the Resolution. Severson concluded that the Chamber has received a number of calls in support of the revitalization of the Pentagon Park area.

John Marker addressed the Commission and stated that he fully supports the revitalization of this area. Marker stated in his opinion this area has become an eyesore and doesn’t live up to Edina standards. Marker said he is excited about this project, concluding it would be a shame to miss this opportunity.

Peter Fitzgerald, 5217 Kellogg told the Commission in his opinion the City needs to support this project, adding this area has been neglected for far too long.

Chair Staunton asked if anyone else would like to speak to the issue; being none, Commissioner Grabiell moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion to close the public hearing approved.

Continuing Discussion

Chair Staunton said in his opinion what continues as a threshold question is the procedural weirdness of this project. He said the question is if the Commission is OK deviating from our original stance of requiring more detailed plans and stated conditions of approval. Staunton said he wants assurances that with approval of this request the City is afforded balance and protection.

Commissioner Grabiell stated he support this process. He pointed out flexibility is needed in a project of this magnitude especially when the redevelopment is proposed to take place over years not months. Grabiell further stated that although the plans are less detailed than previous plans the Commission has approved this request is different because it is a one owner project being redeveloped over many years. Concluding, Grabiell said in this instance he believes flexibility and certainty is required in order for the applicant to proceed; noting he can't think of another way to do this. Grabiell did acknowledge the housing element isn't firm in this submission; however, the developer has indicated if the market is favorable housing would be constructed.

Commissioner Schroeder said the Planning Commission recommended that the City adopt a PUD process, adding the reason was to create a better site specific development process and through that process the City also attains its vision.

Chair Staunton acknowledged the unusual size of this project and its proximity to public property and the future trail development proposed by Three Rivers. He also added he recognizes with a project of this magnitude there is an advantage for the applicant not having every detail cast in stone; however this raises concerns for the City. Staunton reiterated the unknown future of Fred Richards plays a part in the process and the length of the build out (it will be years) is also part of the equation. Concluding Staunton pointed out the underlying MDD-6 zoning in a sense was adopted because at that time there was no PUD option and the City wanted to ensure flexibility with these parcels.

Commissioner Forrest said her concern is with what's binding and what isn't binding noting that the City needs assurances that whatever is stipulated is binding. Forrest stated in her opinion the City needs a commitment to building height, density, FAR, and land use; and by land use she means housing.

Mr. Takenoff reiterated that housing in this redevelopment project may not happen; however they are committed to it. Takenoff said he believes there will be opportunity for housing-he just doesn't know where and when. Takenoff commented that he speaks with many Edina residents that have expressed to him the desire for differing housing options within the City. Takenoff said one aspect he is pretty sure of is if there is housing it won't be for-sale senior housing. Takenoff acknowledged the process can appear to be risky and challenging for both the City and Hillcrest.

Commissioner Platteter stated he understands completely that it is difficult to commit to housing; however he believes there may be another way to craft the PUD because now it appears like housing is a "no" in the preliminary.

Commissioner Grabiell said in his opinion if approved the City isn't saying "no" to housing. What the City is approving is a starting point. Grabiell reiterated that the Commission doesn't know what the market will look like five or ten years from now so to condition approval on a specific percentage or number of housing units would be difficult.

Commissioner Forrest said what's important to keep in mind is if this proposal is in line with the land use guide. Chair Staunton stated that's a good point and asked Planner Teague if a preliminary rezoning to commercial would comply with the Comprehensive Plan designation. Planner Teague responded in the affirmative, adding this property is guided as office/residential and the use of the property today is strictly office; not residential. It's not guided mixed use

Mr. Takenoff reiterated that at this time he would be uncomfortable in agreeing to housing. He said at this point he is just being honest and at this time housing is not viable. Takenoff stated he won't promise the City something he may not be able to deliver.

A discussion ensued with Commissioners expressing their hesitancy in approving a preliminary rezoning and development plan that doesn't include housing and without more detailed plans. It was further noted that there is the option to vote against the proposal as submitted. Commissioners reiterated their desire for housing and acknowledged that in the end because of the scope of this project the City will be entering into a long term relationship and partnership with the applicant. Commissioners did suggest that a statement be added indicating where appropriate housing would be included; however it was acknowledged that statement may be too general. Commissioners did state with a PUD rezoning the applicant needs to be aware that the City expects things in return. Approval should not create missed opportunities to ensure that the site has measureable metrics during the process.

Commissioner Grabiell moved to recommend preliminary rezoning from MDD-6, Mixed Development District to PUD, Planned Unit Development; and an Overall Development Plan subject to staff findings and subject to staff conditions. Commissioner Fischer seconded a motion.

A discussion ensued on how the City can ensure that the conditions for approval are met. Of concern were the recommendations of creating a recreational system that promotes walking, health and wellness and the incorporation of public art. It was noted that these measures could be completed through alignment with the approved TIF. Further discussion also noted that the City continues to reserve the right to "drill down" plans at final approval to achieve the goals outlined in the findings and conditions.

Commissioner Schroeder offered an amendment recommending that a recreational system that promotes walking, health and wellness be implemented in alignment with the TIF Plan through a development agreement between the City and the Developer.

Chair Grabiell and Commissioner Fischer accepted that amendment.

Chair Staunton called for the vote; Ayes, Scherer, Schroeder, Fischer, Potts, Carr, Forrest, Grabiell, Staunton. Abstain, Platteter. Motion to approve carried.

C. Tree Preservation Ordinance

Presentation

Planner Teague reminded the Commission they tabled this issue at their last meeting requesting minor revisions to the Ordinance. Teague stated the revisions were made. He also noted that at the last meeting the Commission requested that additional information on staffing be supplied for the enforcement of the proposed Ordinance.

Commissioner Scherer asked Planner Teague if he knows the cost of a certified tree inventory and who the enforcement officer would be.

Planner Teague said at this time he doesn't know what the cost would be for a certified tree inventory and discussions continue on who would enforce the ordinance.

Chair Staunton opened the public hearing.

Public Testimony

John Crabtree, 5408 Oaklawn Avenue said that while he understands the proposed ordinance he wonders if the City is requiring more trees than can be sustained on one lot. Crabtree also questioned how far the City is willing to go if someone doesn't comply with the new ordinance. Concluding, Crabtree said one must always be careful of unintended consequences.

Chair Staunton asked if anyone else would like to speak to the issue; being none Commissioner Scherer moved to close the public hearing. Commissioner Fischer seconded the motion. All voted aye; motion carried.

Discussion

A discussion ensued with Commissioners noting that the proposed ordinance could create difficulties in areas where trees need to be removed without penalty (i.e. utilities). Commissioner Platteter said the Commission could ask the City to work with the utility companies on tree removal or preservation in utility easement areas.

Commissioner Platteter explained that the proposed ordinance was to save trees, adding in his neighborhood specifically all trees were taken down on a tear down rebuild lot. Platteter said for a developer it may be easier to just cut the trees down and not save them. Concluding, Platteter said the way new houses are popping into certain areas of the City the tree canopy can be lost completely.

Commissioner Schroeder said as he has mentioned many times that the tree canopy is important regardless of the tree species. The trees and their canopy both contribute to the character of the City. Schroeder suggested with non-protected trees that a variance process could be implemented to address non protected tree removal, adding buckthorn is undesirable; however, does provide cover. Continuing, Schroeder said in his opinion the City Forester should make the final judgment on all trees.

Commissioner Forrest inquired who will do the monitoring of the trees and who will pick where the replacement trees go. She noted Buckthorn is an evasive species that can be removed without issue. Continuing, Forrest commented what happens if a resident wants to cut down trees to create garden area. She noted the issue is complex.

Commissioner Grabiell said on this issue he has leaned one way than another. Grabiell said there are many valid points about when a tree can be removed without issue and when it requires replacement. Grabiell said in his opinion if any tree is taken down a permit should be required and possible replacement regardless of species.

Chair Staunton said in his opinion putting tree replacement in construction context is a good start. Staunton further agreed there is a question with enforcement and how that will be calibrated.

Commissioner Platteter said that the ordinance as proposed is a start; he noted that in some City's they even require permits to trim trees and other vegetation. Platteter said this ordinance hasn't gone that far but in the future that could be a possibility.

The discussion continued with the Commission directing staff to look into the enforcement issues and cost and bring back those findings at the next meeting of the Planning Commission.

Planner Teague said in response to comments that there would be additional fees for a resident to provide a certified tree survey, adding much would depend on who does the inventory. Teague said in

his opinion a surveyor would probably do the inventory because the City is requiring a certified inventory. Teague said enforcement would be another issue and pointed out currently the forester is a part time position that focuses on the City's public land. Teague concluded that the Council would ultimately decide on the staffing issues.

Chair Staunton asked Planner Teague to bring the Tree Preservation Ordinance back to the Commission at their next meeting providing some background on enforcement issues and make minor changes to the ordinance.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION COMMENTS

Chair Staunton reminded the Commission that on March 22nd at the Senior Center from 9-11 am City Attorney Roger Knutson will present a workshop. Staunton said if any Commissioner has questions or ideas to send those questions/ideas to Planner Teague so he can forward them to Knutson.

Chair Staunton said it is now time to say another goodbye to Commissioner Fischer who stepped in to fill out Commissioner Carpenter's term when he retired. Chair Staunton and the Commission thanked Commissioner Fisher for stepping in to fill out Carpenters term. Commissioner Fischer said in was an honor serving the City and working with the Commission and Staff for all these years.

Commissioner Staunton said it is also time to say goodbye to Commissioner Grabel for his 9-years of service on the Planning Commission. Staunton said Commissioner Grabel would be sorely missed. Staunton concluded that he would dearly miss Commissioner Grabel. Commissioner Grabel thanked Chair Staunton for his words and said it was his honor and privilege to serve the City and to work with the quality of people that served on the Planning Commission and with City Staff. Grabel said the City is blessed with talented residents and stated it was a pleasure to serve.

IX. ADJOURNMENT

Commissioner Fischer moved meeting adjournment at 11:35 PM. Commissioner Grabel seconded the motion. All voted aye; motion to adjourn carried.

Jackie Hoogenakker
Respectfully submitted